

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-139-MOC**

SANDRA DAVIS,)	
)	
)	
)	
Plaintiff,)	
)	
)	
v.)	ORDER
)	
)	
KILOLO KIJAKAZI,)	
Acting Commissioner of)	
Social Security,)	
)	
Defendant.)	
)	

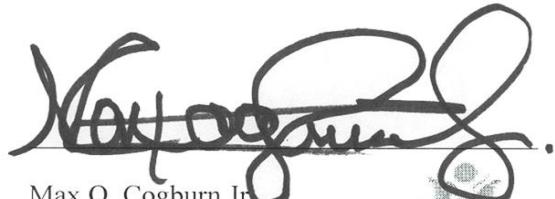
THIS MATTER is before the Court on Plaintiff's motion for attorney's fees filed on July 24, 2023, for requested fees in the amount of \$9,147.00 of Davis's past due benefits, under the Social Security Act, 42 U.S.C. § 406(b). (Doc. No. 22). Plaintiff's attorney has been granted fees by this Court in the amount of \$2,404.75, under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412.

In Gisbrecht v. Barnhart, 535 U.S. 780 (2002), the Supreme Court held that the provision of the Social Security Act limiting attorney fees to 25% of past-due benefits does not displace contingent-fee agreements that are within such statutory ceiling and instructs courts to review for reasonableness fees yielded by such agreements. In addition, if the claimant has been awarded attorney fees under EAJA, the claimant's attorney must refund the lesser of the two fees to the claimant. Id. at 796.

Upon review of the materials submitted to the Court, the undersigned finds that Plaintiff counsel's request for attorney fees is reasonable. Therefore, it is ordered that Plaintiff's attorney may collect a fee of 25% of plaintiff's past due benefits. Plaintiff's attorney must refund to the

Plaintiff the EAJA award of \$2,404.75.

Signed: August 24, 2023



A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", is written over a horizontal line. To the right of the signature is a small circular official seal or stamp.

Max O. Cogburn Jr.
United States District Judge